

Exhibit 98

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.
Local Rule 56.1 Statement of Undisputed Material Facts
in Support of Their Motion For Summary Judgment

From: HEINS,JIM PA BIPUS
Sent: Wednesday, March 01, 2000 9:19 AM
To: WATERER, JUDY ROXUS
Cc: DEMALA,PAM PA BIPUS; SCHOBLOCK, KELLI ROXUS
Subject: FW: CCP_release

Importance: High

Judy,

Please see following comments from Shelly Berkle. Can you address Shelly's issues with Tom or would you like me to do it?

JWH

-----Original Message-----

From: PRESS,ROSEANN FN BIPUS **On Behalf Of** BERKLE, SHELLY FN BIPUS
Sent: Wednesday, March 01, 2000 9:15 AM
To: HEINS,JIM PA BIPUS
Cc: GERSTENBERG,W AD BIPUS; NURNBERGER,DAVID HR BIPUS
Subject: FW: CCP_release
Importance: High

Jim,

No need to reference Tom's title and responsibility. Also, correct "NDA" to "ANDA" please. Additionally, I don't believe we will be at 'one ANDA/month' by 2001. Please check with Tom and do not release until I give the go ahead.

Shelly

-----Original Message-----

From: HEINS,JIM PA BIPUS
Sent: Tuesday, February 29, 2000 2:54 PM
To: BERKLE, SHELLY FN BIPUS
Cc: PRESS,ROSEANN FN BIPUS
Subject: CCP_release

Dear Shelly,

Attached for your review is a press release on the introduction of a new generic cytotoxic drug from Roxane. You'll see that Tom is quoted as President and COO of Ben Venue Laboratories and Head of Multisource business at Roxane Laboratories, Inc.

In reading the release you'll see that Ben Venue is not mentioned in context. Also, Tom's responsibility for Roxane's multisource business is not well recognized in the industry or formalized in our corporate data sheets. While that may not be an issue, is there some way that you'd prefer to reference Tom's title and responsibilities in this and future promotional materials .

Please advise.

Jim



CCP_release_.doc

